

## Public Access Mandates of U.S. Federal Agencies

In a memo<sup>1</sup> released by the Office of Science and Technology Policy (OSTP) on February 22, 2013, each Federal agency with over \$100 million in annual conduct of research and development expenditures was directed to develop a plan to support increased public access to the results of research funded by the Federal Government. This included any results published in peer-reviewed scholarly publications that are based on research that directly arises from Federal funds, as defined in relevant OMB circulars (e.g., A-21 and A-11).

Summary Table of Agencies' Public Access Policies<sup>2</sup>

Agency	Article Solution (A)	Maximum Embargo Period	Data Solution (D)
AHRQ	PubMed Central (PMC)	12 months	Commercial repository, yet to be named <sup>3</sup>
ASPR <sup>4</sup>	PMC	12 months	Scientific data repositories, data.gov data registry <sup>2</sup>
CDC <sup>3</sup>	CDC Stacks, using NIHMS submission system	12 months	Multiple solutions + data registry
DOD	Defense Technical Information Center (DTIC)	12 months	No specific solution <sup>2</sup>
DOE	Public Access Gateway for Energy and Science (PAGES)	12 months	Varies by office <sup>2</sup>
DOT	N/A	N/A	To be released
FDA <sup>3</sup>	PMC	12 months	Disciplinary data repositories, where available <sup>2</sup>
NASA	NASA branded PMC portal	12 months	NASA archives, or other repository <sup>2</sup>
NIST	PMC interface	12 months <sup>5</sup>	EDI registry of datasets, Developing a Common Access infrastructure <sup>2</sup>
NIH <sup>3</sup>	PMC	12 months	Multiple solutions + Data Discovery Index
NOAA	NOAA Institutional Repository, using CDC Stacks	12 months	Multiple solutions short term + NOAA Data Centers for data "worthy" of long term preservation
NSF	PAGES	12 months	An "appropriate repository" <sup>2</sup>
USDA	USDA public access archive system (PubAg)	12 months	USDA registry of datasets, other repository options <sup>2</sup>
USAID	N/A	N/A	USAID repository: Development Data Library, or other
VA	PMC	12 months	Partner with HHS, NIH, FDA, and DoD on "effective mechanisms" <sup>2</sup>

<sup>1</sup> <https://www2.icsu-wds.org/files/ostp-public-access-memo-2013.pdf>

<sup>2</sup> Adapted from Columbia University Libraries, <http://scholcomm.columbia.edu/open-access/public-access-mandates-for-federally-funded-research/>

<sup>3</sup> Will require data management plans (DMPs)

<sup>4</sup> Exploring a data commons solution through HHS auspices. Additionally, data management costs may be included in the budget.

<sup>5</sup> NIST reserves right to shorten or extend the embargo period

## Resources to Track Federal Public Access Mandates

The specific rules for the federal mandates are still evolving. There are several groups tracking the emerging mandates.

- SPARC maintains a list of the plans, the SPARC response, and some examples of campus resources explaining the plans to researchers. See: <http://sparc.arl.org/advocacy/national/directive>
- At Florida State University Libraries we established a team called the Federal Open Policies Operation (FOP-Op) and produced quite a few outreach items around these policies, including this guide, based on the Columbia webpages: <http://guides.lib.fsu.edu/funderaccesspolicies>.
- A crowdsourced table created by a community of academic data librarians provides additional information on the emerging federal mandates<sup>6</sup>. The living spreadsheet is available at <http://bit.ly/FedOASummary>.
- Columbia University Scholarly Communications Program: <http://scholcomm.columbia.edu/open-access/public-access-mandates-for-federally-funded-research/>, which also links to the living Google spreadsheet via Figshare.

## Texas Digital Library Data Repository Development

The need for Data Management services is one of two large-scale needs consistently expressed by Texas Digital Library (TDL) members, a need driven in part by the [February 2013 mandate](#) from the White House's Office of Science and Technology Policy to make the results of federally funded research publicly accessible. In response, the Texas Digital Library organized a working group to recommend infrastructure and services that can be offered at a consortial level to help TDL members meet the emerging federal mandates for public access to research and improve access and reuse of research data.

The team followed a specified process that included the development of researcher use cases, a software evaluation matrix, and formal testing of a prototype of a data repository using several data sets of varied size and format. After testing the list of requirements against the system, the TDL Data Management Working Group agreed that Dataverse provides the best combination of system performance and robustness, user ease, platform scalability, and an active open source community that responds to the evolving needs of the user community. The group recommends that TDL, through its membership, adopt Dataverse to facilitate the discovery of research data and its associated metadata.

Once the recommendations are accepted, TDL will convene a Dataverse Implementation Working Group to establish a statewide repository for storing and providing access to accessing research data. This group will be tasked with providing recommendations on sustainable funding models; technical and metadata configuration; outreach, workflows and training programs; and policy and governance.

The final recommendations of the Working Group is available in the attached report and on the [TDL website](#).

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<sup>6</sup> Whitmire, Amanda; Briney, Kristin; Nurnberger, Amy; Henderson, Margaret; Atwood, Thea; Janz, Margaret; Kozlowski, Wendy; Lake, Sherry; Vandegrift, Micah; Zilinski, Lisa (2015): A table summarizing the Federal public access policies resulting from the US Office of Science and Technology Policy memorandum of February 2013. figshare. <http://dx.doi.org/10.6084/m9.figshare.1372041>. Retrieved 22:10, Jul 24, 2015 (GMT).

## Specific Policies of Public Access Mandates from Federal Agencies

### Agency for Healthcare Research & Quality (AHRQ)

Implementation plan: <http://www.ahrq.gov/funding/policies/publicaccess/index.html>

(A) Authors will be required to deposit publications in the PubMed Central database.

(D) DMP required. Data will be submitted to a commercial repository.

### Assistant Secretary for Preparedness and Response (ASPR)

Implementation Plan: <http://www.phe.gov/Preparedness/planning/science/Pages/AccessPlan.aspx>

(A) Authors will be required to deposit publications in the PubMed Central database.

(P) DMP required. In-scope digital scientific data sets resulting from research projects must be deposited in a recognized scientific data repository capable of long-term preservation of the data and open access to the public within 30 months from the creation of the data set or upon publication of a peer reviewed publication based on the data set, whichever is sooner. Additionally, a metadata document for the data, using [common core metadata](#), must be submitted to ASPR, and will be made publicly available on data.gov, and other appropriate sharing locations such as phe.gov. Also, new awards will not be given unless terms of previous awards are met, including the conditions detailed in data sharing and management plans.

### Center for Disease Control

Implementation Plan: [http://www.cdc.gov/od/science/docs/Final-CDC-Public-Access-Plan-Jan-2015\\_508-Compliant.pdf](http://www.cdc.gov/od/science/docs/Final-CDC-Public-Access-Plan-Jan-2015_508-Compliant.pdf)

(A) Authors must submit final, peer-reviewed journal manuscripts to the CDC Stacks repository using the National Institute of Health Manuscript Submission (NIHMS) system, upon acceptance of the manuscript.

(D) DMP required (Appendix B of the above linked document, will eventually be electronically fillable). Minimal data must be released at the time of article publication, with more detailed data released according to CDC standard research data release timeline; all data intended for release, regardless of publication, should be made accessible within 30 months of the end of data collection. Researchers should use the repositories available to them, including the National Center for Health Statistics (NCHS) or CDC WONDER; other options are under development.

### Department of Defense (DOD)

Implementation plan: <http://dtic.mil/dtic/pdf/PublicAccessMemo2014.pdf>

(A) Authors must submit final, peer-reviewed journal manuscripts to the Defense Technical Information Center (DTIC) system upon acceptance for publication.

(D) DMP required. Digitally formatted scientific data sets should be stored and publicly accessible to search, retrieve, and analyze; publicly releasable primary data, samples, and other supporting materials created or gathered in the course of work should be publicly accessible at no more than incremental cost and within a reasonable time.

### Department of Energy (DOE)

Implementation plan: [http://energy.gov/sites/prod/files/2014/08/f18/DOE\\_Public\\_Access\\_Plan\\_FINAL.pdf](http://energy.gov/sites/prod/files/2014/08/f18/DOE_Public_Access_Plan_FINAL.pdf)

(A) Discoverability and access to version of record publications will be made possible through the portal and search interface tool, the [Public Access Gateway for Energy and Science \(PAGES\)](#), and in cases where the publisher-hosted version of record is not publicly accessible, the DOE will provide access to accepted manuscripts in publicly accessible repositories, of which the DOE's OSTI repository may be one.

(D) DMP required ([templates](#)). Different offices will have different requirements for storage and public access [link](#), notably the EERE which has not yet released its requirements.

## **Department of Transportation (DOT)**

Planning phase: <http://www.transportation.gov/open/plan-chapter3#sec3-2-1>

(A) This document does not address publication of major research findings.

(D) A plan for data is to be released in early 2015, with a target implementation of October 2015.

## **Food and Drug Administration (FDA)**

Implementation plan: <http://www.dot.gov/open/plan-chapter3#sec3-2-1>

(A) Authors will be required to deposit final peer-reviewed versions of articles in the PubMed Central database.

(D) DMP required. Researchers are expected to make data accessible in discipline specific repositories, where available, at the time of article publication.

## **National Aeronautics and Space Administration (NASA)**

Implementation plan:

[http://science.nasa.gov/media/medialibrary/2014/12/05/NASA\\_Plan\\_for\\_increasing\\_access\\_to\\_results\\_of\\_federally\\_funded\\_research.pdf](http://science.nasa.gov/media/medialibrary/2014/12/05/NASA_Plan_for_increasing_access_to_results_of_federally_funded_research.pdf)

(A) Publications will be made available through a NASA-branded portal to the National Institute of Health's PubMed Central® (PMC) platform, following the NASA-sponsored author's submission of an exact copy of the as-accepted manuscript or the publisher-transmitted copy of the Version of Record.

(D) DMP required. The requirement for public access to sharable data may be met by including data with the publication as supplementary material, through NASA archives, or through other means, and means of access should be indicated in the published article.

## **National Institutes of Health**

Implementation Plan: <http://grants.nih.gov/grants/NIH-Public-Access-Plan.pdf>

(A) Authors must submit final, peer-reviewed journal manuscripts to PMC.

(D) DMP required. While data may be deposited in any of the many already existing public repositories, using community standards of data collection and description, NIH is also funding the development of a data discovery index, and will continue to explore the development of a data commons.

## **National Institute of Standards and Technology**

Implementation Plan: <http://www.nist.gov/data/> – as applied to unclassified research projects

(A) Authors must submit either the version of record or the final accepted peer-reviewed manuscript upon acceptance for publication, plus the associated public access archive system metadata through NIST's PMC interface, all of which should be publicly available within 12 months of publication, although NIST reserves the right to shorten or lengthen this embargo period.

(D) AN 'effective' DMP is required, which should address all digital data as defined by OMB Circular A-110, and explicitly address data that will support publications. Under the guidance provided in the [Project Open Data component of OMB memorandum M-13-13](#), metadata for existing data should conform to the schema posted at <https://project-open-data.cio.gov/> and be submitted to the NIST Enterprise Data Inventory (EDI), which is visible at <http://www.data.gov>.

NIST will continue to "track and respond to changes in digital technologies" as it develops the Common Access Platform (CAP) for data distribution. Data should be made available 12 months following publication of the associated article.

## **National Oceanic and Atmospheric Administration (NOAA)**

Implementation Plan: [http://docs.lib.noaa.gov/noaa\\_documents/NOAA\\_Research\\_Council/NOAA\\_PARR\\_Plan\\_v5.04.pdf](http://docs.lib.noaa.gov/noaa_documents/NOAA_Research_Council/NOAA_PARR_Plan_v5.04.pdf)

**(A)** Authors must submit the final accepted peer-reviewed manuscript, in an accessible format, upon acceptance for publication to the NOAA Institutional Repository. These materials must be made publicly and freely available within 12 months.

**(D)** Data Sharing Plan will be required. Data refers to “digitally formatted scientific data resulting from unclassified research supported wholly or in part by Federal funding;” numerical model outputs and software or tools required to ingest or read data in the formats offered are included in this definition. Data must be made available with article publication for supporting data, or within one year of collection for other data. NOAA will employ short term access solutions such as SHARE and participation in developing an interagency Research Data Commons based on [FAIR principles](#) in addition to long term preservation at NOAA data centers.

## **National Science Foundation (NSF)**

Implementation Plan:

<http://www.nsf.gov/pubs/2015/nsf15052/nsf15052.pdf> Summary: <http://www.nsf.gov/pubs/2015/nsf15051/nsf15051.pdf>

**(A)** Authors must submit either the version of record or the final accepted peer-reviewed manuscript to the [DOE’s Public Access Gateway for Energy and Science \(PAGES\) repository](#) in PDF/A format that should be available for download, reading, and analysis free of charge no later than 12 months after initial publication, with machine-readable metadata available at initial publication.

**(D)** A 2-page DMP is required. “All data resulting from the research funded by the award, whether or not the data support a publication, should be deposited at the appropriate repository as explained in the DMP.”

## **US Agency for International Development (USAID)**

Implementation Plan: N/A

**(A)** N/A

**(D)** <http://www.usaid.gov/sites/default/files/documents/1868/579.pdf> Section 579.3.3.: The Development Data Library (DDL) is one part of the strategy to increase public access to data. Researchers may submit data to DDL, or if it is submitted to another repository, they “must submit a notice to the DDL, providing details on where and how to access the data, in accordance with the instructions found at [www.usaid.gov/data](http://www.usaid.gov/data).” (<http://blog.usaid.gov/2014/10/announcing-usaids-open-data-policy/>)

## **US Department of Agriculture (USDA)**

Implementation plan: <http://www.usda.gov/documents/USDA-Public-Access-Implementation-Plan.pdf>

**(A)** Effective January 2016, authors of publications accepted for publication on or after this date will submit to the USDA public access archive system (PubAg) all final peer-reviewed journal manuscripts once the manuscript is accepted for publication, or the final published article, provided the author has the right to submit the published version.

**(D)** Phased approach, with mainstream implementation targeted for 2016-2017 and DMPs to be required, likely starting January 2016. USDA will support a registry of datasets, and are continuing to explore other repository options.

## **US Department of Veterans Affairs (VA)**

Implementation plans:

[http://www.va.gov/ORO/Docs/Guidance/Plan\\_for\\_Access\\_to\\_Results\\_of\\_VA\\_Funded\\_Rsch\\_02\\_14\\_2014.pdf](http://www.va.gov/ORO/Docs/Guidance/Plan_for_Access_to_Results_of_VA_Funded_Rsch_02_14_2014.pdf) and [PMC Deposit](#) ([http://www.research.va.gov/resources/policies/public\\_access.cfm](http://www.research.va.gov/resources/policies/public_access.cfm))

**(A):** Authors will be required to deposit publications in the PubMed Central database upon acceptance of publication, and make available within 12 months of publication.

**(D):** Clinical Trial information will continue to be submitted to and be available from <https://clinicaltrials.gov/>. For other types of digital research data, a DMP is required and, “VA will seek partnerships with HHS, NIH, FDA, and DoD to identify and share effective mechanisms” for public accessibility under both open and controlled access conditions.

## Consolidated Appropriations Act of 2014 (HR 3547) – Open access provisions

*Summary of the bill:* requires federal agencies under the Labor, Education, and Health and Human Services (HHS) departments that have more than \$100M in research budgets to develop public access policies to provide “free online public access” to peer-reviewed journal articles describing research they supported, within 12 months of publication.

Under the public access plans, final peer reviewed manuscripts that have been accepted for publication in peer-reviewed journals are to be submitted to these agencies or a designated entity, and made available either in the manuscript form or via published versions.

The federal agencies affected include:

- Department of Education,
- Health and Human Services,
- Centers for Disease Control,
- Agency for Healthcare Research and Quality,
- Food and Drug Administration, and
- National Institutes of Health.

The Office of the Assistant Secretary For Preparedness and Response has also decided to participate and will develop a plan.

The [language of this bill](#) (see section 525, pp. 961-62) applies to the federal fiscal years of 2014 and 2015. According to the [HHS Public Access Policy for Research Data](#), “draft final plans are will provided to OSTP by June 2014. Pending OSTP review, we will issue final plans. It is expected that we will implement our public access policies in the spring of 2015 and they will become effective at the beginning of FY 2016 (October 1, 2015).”